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EA-02-14
Gale Creek
Aquatic Project

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

DECISION RECORD
Gale Creek Aquatic Project
Environmental Assessment No. OR090-EA-02-14

Background:

The McKenzie Resource Area, Eugene District Office, prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Gale Creek Aquatic Restoration Project. Aquatic restoration will entail placing trees into Gale Creek, closure of the Native Surface Portion of Road 17-2E-2, fish passage restoration, and conifer release and planting in the riparian area of Gale Creek to benefit resident fish and other aquatic species. The Gale Creek Aquatic Restoration Analysis area is located in T. 17 S., R. 2 E., Sections 2 and 11.

Consultation:

Activities proposed are covered by the programmatic Biological Opinion issued for Willamette Spring Chinook (June 28, 1999) and Columbia River Bull Trout (July 8, 1998), so no further consultation is required. The design criteria indicating appropriate work timing and procedures will be followed during the implementation of this project.

Spotted owls and bald eagles would be consulted on in the *Programmatic Biological Assessment for Projects with the Potential to Disturb Northern Spotted Owls and/or Bald Eagles in the Willamette Province for FY 2002-2003* and/or the *Programmatic Biological Assessment of FY 2002 Projects in the Willamette Province that would Modify the Habitats of Bald Eagles or Northern Spotted Owls or Modify the Critical Habitat of the Northern Spotted Owl*. Reasonable and Prudent Measures in these assessments include minimizing disturbance to spotted owl pairs, their habitat and their progeny as well as known bald eagle roosts or nests. The nearby owl site would be monitored and potential eagle nesting habitat within 0.5 mile of the action area surveyed before the project would begin and in each year the project occurs.

Public Comments:

This EA and FONSI were advertised on March 20th, 2002 as available for a 30-day public review period in the Eugene Register Guard. Copies of the EA and FONSI were mailed to interested individuals. No comments were received from the public.

Decision:

Based on the analysis contained in the Gale Creek Aquatic Project Environmental Assessment, and the management direction contained in the *Eugene District Resource Management Plan, June 1995*, I have decided to implement the Gale Creek Aquatic Project as described in the environmental assessment (EA-02-14) as Alternative I: Proposed Action.

Rationale:

Alternative I (Proposed Action) is selected because it meets all the objectives and restores or works toward restoring the aquatic habitat in Gale Creek. This alternative would not retard the attainment of any of the Aquatic Conservation Strategy Objectives.

Alternative II was not selected because it did not restore the Gale Creek aquatic system to the same degree as Alternative I. Alternative II consisted only of road closure and did not contain any in-stream or riparian restoration.

Alternative III, the “No Action” alternative is not selected because the Gale Creek aquatic system would take many years to recover naturally and further degradation to habitat and water quality would continue to occur.

Finding of No Significant Impact:

On the basis of the information contained in the Environmental Assessment (OR090-EA-02-14), and all other information available to me, it is my determination that implementation of the Proposed Action will not have any significant environmental impacts not already addressed in the Record of Decision (ROD) for Amendment to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (April 1994) and the Eugene District Record of Decision and Resource Management Plan (June 1995) as amended by the Record of Decision for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines, January 2001. Environmental Assessment OR 090-EA-02-14 is in conformance with the above documents and does not, in and of itself, constitute a major Federal action having a significant effect on the human environment. Therefore, an environmental impact statement (EIS) or supplement to the existing EIS is unnecessary and will not be prepared.

Administrative Remedies:

The effective date of this decision shall be the date of publication of the Notice of Decision and FONSI in the Register Guard.

Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office (P.O. Box 10226, Eugene Oregon 97440, 2890 Chad Drive, Eugene) within 30 days from the date of this decision. In an appeal the appellant has the burden of showing that the decision is in error.

If, pursuant to 43 CFR 4.21, an appellant wishes to file a petition (request) to stay (suspension) this decision during the time that an appeal is being reviewed by the IBLA, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office.

If a stay is requested, the applicant has the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulations, a petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Signed by: Emily Rice, Field Manager
McKenzie Resource Area

Date: 5-3-02